

House Engrossed

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

CHAPTER 4

HOUSE BILL 2847

AN ACT

AMENDING TITLE 20, CHAPTER 4, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 20-826.04; AMENDING TITLE 20, CHAPTER 4, ARTICLE 9, ARIZONA REVISED STATUTES, BY ADDING SECTION 20-1057.11; AMENDING TITLE 20, CHAPTER 6, ARTICLE 5, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 20-1402.03 AND 20-1404.03; RELATING TO AUTISM SPECTRUM DISORDER.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 20, chapter 4, article 3, Arizona Revised Statutes,
3 is amended by adding section 20-826.04, to read:

4 20-826.04. Subscription contracts; autism spectrum disorder;
5 coverage; exceptions; definitions

6 A. A HOSPITAL SERVICE CORPORATION OR MEDICAL SERVICE CORPORATION SHALL
7 NOT:

8 1. EXCLUDE OR DENY COVERAGE FOR A TREATMENT OR IMPOSE DOLLAR LIMITS,
9 DEDUCTIBLES AND COINSURANCE PROVISIONS BASED SOLELY ON THE DIAGNOSIS OF
10 AUTISM SPECTRUM DISORDER. FOR THE PURPOSES OF THIS PARAGRAPH, "TREATMENT"
11 INCLUDES DIAGNOSIS, ASSESSMENT AND SERVICES.

12 2. EXCLUDE OR DENY COVERAGE FOR MEDICALLY NECESSARY BEHAVIORAL THERAPY
13 SERVICES. TO BE ELIGIBLE FOR COVERAGE, BEHAVIORAL THERAPY SERVICES SHALL BE
14 PROVIDED OR SUPERVISED BY A LICENSED OR CERTIFIED PROVIDER.

15 B. THIS SECTION DOES NOT:

16 1. APPLY TO A SUBSCRIPTION CONTRACT THAT IS ISSUED TO AN INDIVIDUAL OR
17 A SMALL EMPLOYER.

18 2. APPLY TO LIMITED BENEFIT COVERAGE AS DEFINED IN SECTION 20-1137.

19 3. REQUIRE COVERAGE FOR SERVICES PROVIDED OUTSIDE OF THIS STATE.

20 C. THE COVERAGE REQUIRED BY THIS SECTION IS SUBJECT TO ALL THE TERMS
21 AND CONDITIONS OF THE SUBSCRIPTION CONTRACT. NOTHING IN THIS SECTION
22 PREVENTS A CORPORATION FROM IMPOSING DEDUCTIBLES, COINSURANCE OR OTHER COST
23 SHARING IN RELATION TO THE COVERAGE REQUIRED BY THIS SECTION.

24 D. COVERAGE FOR BEHAVIORAL THERAPY IS SUBJECT TO:

25 1. A FIFTY THOUSAND DOLLAR MAXIMUM BENEFIT PER YEAR FOR AN ELIGIBLE
26 PERSON UP TO THE AGE OF NINE.

27 2. A TWENTY-FIVE THOUSAND DOLLAR MAXIMUM BENEFIT PER YEAR FOR AN
28 ELIGIBLE PERSON WHO IS BETWEEN THE AGES OF NINE AND SIXTEEN.

29 E. FOR THE PURPOSES OF THIS SECTION:

30 1. "AUTISM SPECTRUM DISORDER" MEANS ONE OF THE THREE FOLLOWING
31 DISORDERS AS DEFINED IN THE MOST RECENT EDITION OF THE DIAGNOSTIC AND
32 STATISTICAL MANUAL OF MENTAL DISORDERS OF THE AMERICAN PSYCHIATRIC
33 ASSOCIATION:

34 (a) AUTISTIC DISORDER.

35 (b) ASPERGER'S SYNDROME.

36 (c) PERVASIVE DEVELOPMENTAL DISORDER - NOT OTHERWISE SPECIFIED.

37 2. "BEHAVIORAL THERAPY" MEANS INTERACTIVE THERAPIES DERIVED FROM
38 EVIDENCE BASED RESEARCH, INCLUDING APPLIED BEHAVIOR ANALYSIS, WHICH INCLUDES
39 DISCRETE TRIAL TRAINING, PIVOTAL RESPONSE TRAINING, INTENSIVE INTERVENTION
40 PROGRAMS AND EARLY INTENSIVE BEHAVIORAL INTERVENTION.

41 3. "SMALL EMPLOYER" HAS THE SAME MEANING PRESCRIBED IN SECTION
42 20-2301.

1 Sec. 2. Title 20, chapter 4, article 9, Arizona Revised Statutes, is
2 amended by adding section 20-1057.11, to read:

3 20-1057.11. Health care services organizations; autism spectrum
4 disorder; coverage; exceptions; definitions

5 A. A HEALTH CARE SERVICES ORGANIZATION SHALL NOT:

6 1. EXCLUDE OR DENY COVERAGE FOR A TREATMENT OR IMPOSE DOLLAR LIMITS,
7 DEDUCTIBLES AND COINSURANCE PROVISIONS BASED SOLELY ON THE DIAGNOSIS OF
8 AUTISM SPECTRUM DISORDER. FOR THE PURPOSES OF THIS PARAGRAPH, "TREATMENT"
9 INCLUDES DIAGNOSIS, ASSESSMENT AND SERVICES.

10 2. EXCLUDE OR DENY COVERAGE FOR MEDICALLY NECESSARY BEHAVIORAL THERAPY
11 SERVICES. TO BE ELIGIBLE FOR COVERAGE, BEHAVIORAL THERAPY SERVICES SHALL BE
12 PROVIDED OR SUPERVISED BY A LICENSED OR CERTIFIED PROVIDER.

13 B. THIS SECTION DOES NOT:

14 1. APPLY TO AN EVIDENCE OF COVERAGE THAT IS ISSUED TO AN INDIVIDUAL OR
15 A SMALL EMPLOYER.

16 2. APPLY TO LIMITED BENEFIT COVERAGE AS DEFINED IN SECTION 20-1137.

17 3. REQUIRE COVERAGE FOR SERVICES PROVIDED OUTSIDE OF THIS STATE.

18 C. THE COVERAGE REQUIRED BY THIS SECTION IS SUBJECT TO ALL THE TERMS
19 AND CONDITIONS OF THE EVIDENCE OF COVERAGE. NOTHING IN THIS SECTION PREVENTS
20 AN ORGANIZATION FROM IMPOSING DEDUCTIBLES, COINSURANCE OR OTHER COST SHARING
21 IN RELATION TO THE COVERAGE REQUIRED BY THIS SECTION.

22 D. COVERAGE FOR BEHAVIORAL THERAPY IS SUBJECT TO:

23 1. A FIFTY THOUSAND DOLLAR MAXIMUM BENEFIT PER YEAR FOR AN ELIGIBLE
24 PERSON UP TO THE AGE OF NINE.

25 2. A TWENTY-FIVE THOUSAND DOLLAR MAXIMUM BENEFIT PER YEAR FOR AN
26 ELIGIBLE PERSON WHO IS BETWEEN THE AGES OF NINE AND SIXTEEN.

27 E. FOR THE PURPOSES OF THIS SECTION:

28 1. "AUTISM SPECTRUM DISORDER" MEANS ONE OF THE THREE FOLLOWING
29 DISORDERS AS DEFINED IN THE MOST RECENT EDITION OF THE DIAGNOSTIC AND
30 STATISTICAL MANUAL OF MENTAL DISORDERS OF THE AMERICAN PSYCHIATRIC
31 ASSOCIATION:

32 (a) AUTISTIC DISORDER.

33 (b) ASPERGER'S SYNDROME.

34 (c) PERVASIVE DEVELOPMENTAL DISORDER - NOT OTHERWISE SPECIFIED.

35 2. "BEHAVIORAL THERAPY" MEANS INTERACTIVE THERAPIES DERIVED FROM
36 EVIDENCE BASED RESEARCH, INCLUDING APPLIED BEHAVIOR ANALYSIS, WHICH INCLUDES
37 DISCRETE TRIAL TRAINING, PIVOTAL RESPONSE TRAINING, INTENSIVE INTERVENTION
38 PROGRAMS AND EARLY INTENSIVE BEHAVIORAL INTERVENTION.

39 3. "SMALL EMPLOYER" HAS THE SAME MEANING PRESCRIBED IN SECTION
40 20-2301.

41 Sec. 3. Title 20, chapter 6, article 5, Arizona Revised Statutes, is
42 amended by adding sections 20-1402.03 and 20-1404.03, to read:

43 20-1402.03. Group disability insurers; autism spectrum
44 disorder; coverage; exceptions; definitions

45 A. A GROUP DISABILITY INSURER SHALL NOT:

1 1. EXCLUDE OR DENY COVERAGE FOR A TREATMENT OR IMPOSE DOLLAR LIMITS,
2 DEDUCTIBLES AND COINSURANCE PROVISIONS BASED SOLELY ON THE DIAGNOSIS OF
3 AUTISM SPECTRUM DISORDER. FOR THE PURPOSES OF THIS PARAGRAPH, "TREATMENT"
4 INCLUDES DIAGNOSIS, ASSESSMENT AND SERVICES.

5 2. EXCLUDE OR DENY COVERAGE FOR MEDICALLY NECESSARY BEHAVIORAL THERAPY
6 SERVICES. TO BE ELIGIBLE FOR COVERAGE, BEHAVIORAL THERAPY SERVICES SHALL BE
7 PROVIDED OR SUPERVISED BY A LICENSED OR CERTIFIED PROVIDER.

8 B. THIS SECTION DOES NOT:

9 1. APPLY TO A POLICY THAT IS ISSUED TO AN INDIVIDUAL OR A SMALL
10 EMPLOYER.

11 2. APPLY TO LONG TERM CARE INSURANCE, LIFE INSURANCE, ANNUITIES AND
12 LIMITED BENEFIT COVERAGE AS DEFINED IN SECTION 20-1137.

13 3. REQUIRE COVERAGE FOR SERVICES PROVIDED OUTSIDE OF THIS STATE.

14 C. THE COVERAGE REQUIRED BY THIS SECTION IS SUBJECT TO ALL THE TERMS
15 AND CONDITIONS OF THE GROUP DISABILITY CONTRACT. NOTHING IN THIS SECTION
16 PREVENTS A GROUP DISABILITY INSURER FROM IMPOSING DEDUCTIBLES, COINSURANCE OR
17 OTHER COST SHARING IN RELATION TO THE COVERAGE REQUIRED BY THIS SECTION.

18 D. COVERAGE FOR BEHAVIORAL THERAPY IS SUBJECT TO:

19 1. A FIFTY THOUSAND DOLLAR MAXIMUM BENEFIT PER YEAR FOR AN ELIGIBLE
20 PERSON UP TO THE AGE OF NINE.

21 2. A TWENTY-FIVE THOUSAND DOLLAR MAXIMUM BENEFIT PER YEAR FOR AN
22 ELIGIBLE PERSON WHO IS BETWEEN THE AGES OF NINE AND SIXTEEN.

23 E. FOR THE PURPOSES OF THIS SECTION:

24 1. "AUTISM SPECTRUM DISORDER" MEANS ONE OF THE THREE FOLLOWING
25 DISORDERS AS DEFINED IN THE MOST RECENT EDITION OF THE DIAGNOSTIC AND
26 STATISTICAL MANUAL OF MENTAL DISORDERS OF THE AMERICAN PSYCHIATRIC
27 ASSOCIATION:

28 (a) AUTISTIC DISORDER.

29 (b) ASPERGER'S SYNDROME.

30 (c) PERVERSIVE DEVELOPMENTAL DISORDER - NOT OTHERWISE SPECIFIED.

31 2. "BEHAVIORAL THERAPY" MEANS INTERACTIVE THERAPIES DERIVED FROM
32 EVIDENCE BASED RESEARCH, INCLUDING APPLIED BEHAVIOR ANALYSIS, WHICH INCLUDES
33 DISCRETE TRIAL TRAINING, PIVOTAL RESPONSE TRAINING, INTENSIVE INTERVENTION
34 PROGRAMS AND EARLY INTENSIVE BEHAVIORAL INTERVENTION.

35 3. "SMALL EMPLOYER" HAS THE SAME MEANING PRESCRIBED IN SECTION
36 20-2301.

37 20-1404.03. Blanket disability insurers; autism spectrum
38 disorder; coverage; exceptions; definitions

39 A. A BLANKET DISABILITY INSURER SHALL NOT:

40 1. EXCLUDE OR DENY COVERAGE FOR A TREATMENT OR IMPOSE DOLLAR LIMITS,
41 DEDUCTIBLES AND COINSURANCE PROVISIONS BASED SOLELY ON THE DIAGNOSIS OF
42 AUTISM SPECTRUM DISORDER. FOR THE PURPOSES OF THIS PARAGRAPH, "TREATMENT"
43 INCLUDES DIAGNOSIS, ASSESSMENT AND SERVICES.

2. EXCLUDE OR DENY COVERAGE FOR MEDICALLY NECESSARY BEHAVIORAL THERAPY SERVICES. TO BE ELIGIBLE FOR COVERAGE, BEHAVIORAL THERAPY SERVICES SHALL BE PROVIDED OR SUPERVISED BY A LICENSED OR CERTIFIED PROVIDER.

B. THIS SECTION DOES NOT:

1. APPLY TO A POLICY OR CONTRACT THAT IS ISSUED TO AN INDIVIDUAL OR A SMALL EMPLOYER.

2. APPLY TO LIMITED BENEFIT COVERAGE AS DEFINED IN SECTION 20-1137.

3. REQUIRE COVERAGE FOR SERVICES PROVIDED OUTSIDE OF THIS STATE.

C. THE COVERAGE REQUIRED BY THIS SECTION IS SUBJECT TO ALL THE TERMS AND CONDITIONS OF THE BLANKET DISABILITY CONTRACT. NOTHING IN THIS SECTION PREVENTS A BLANKET DISABILITY INSURER FROM IMPOSING DEDUCTIBLES, COINSURANCE OR OTHER COST SHARING IN RELATION TO THE COVERAGE REQUIRED BY THIS SECTION.

D. COVERAGE FOR BEHAVIORAL THERAPY IS SUBJECT TO:

1. A FIFTY THOUSAND DOLLAR MAXIMUM BENEFIT PER YEAR FOR AN ELIGIBLE PERSON UP TO THE AGE OF NINE.

2. A TWENTY-FIVE THOUSAND DOLLAR MAXIMUM BENEFIT PER YEAR FOR AN ELIGIBLE PERSON WHO IS BETWEEN THE AGES OF NINE AND SIXTEEN.

E. FOR THE PURPOSES OF THIS SECTION:

1. "AUTISM SPECTRUM DISORDER" MEANS ONE OF THE THREE FOLLOWING DISORDERS AS DEFINED IN THE MOST RECENT EDITION OF THE DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS OF THE AMERICAN PSYCHIATRIC ASSOCIATION:

(a) AUTISTIC DISORDER.

(b) ASPERGER'S SYNDROME.

(c) PERVASIVE DEVELOPMENTAL DISORDER - NOT OTHERWISE SPECIFIED.

2. "BEHAVIORAL THERAPY" MEANS INTERACTIVE THERAPIES DERIVED FROM EVIDENCE BASED RESEARCH, INCLUDING APPLIED BEHAVIOR ANALYSIS, WHICH INCLUDES DISCRETE TRIAL TRAINING, PIVOTAL RESPONSE TRAINING, INTENSIVE INTERVENTION PROGRAMS AND EARLY INTENSIVE BEHAVIORAL INTERVENTION.

3. "SMALL EMPLOYER" HAS THE SAME MEANING PRESCRIBED IN SECTION 20-2301.

Sec. 4. Short title

This act shall be known as "Steven's Law".

Sec. 5. Applicability

This act applies to contracts, policies and evidences of coverage issued or renewed from and after June 30, 2009.

APPROVED BY THE GOVERNOR MARCH 21, 2008.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 21, 2008.